

AGENDA ITEM  
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Date: November 2, 2021

Council Action Date: November 8, 2021

**To:** Honorable Mayor and City Council**From:** Alex D. McIntyre, City Manager  
Antoinette M. Mann, City Clerk**Subject:** Ordinance for Second Reading – An Ordinance of the City Council of the City of San Buenaventura, California, Amending, In Part, Articles 1-3 and Adding Article 5 to Chapter 6.500, “Collection of Solid Waste” To Make Changes to the City’s Solid Waste Recycling Program**RECOMMENDATION**

Waive the second reading in full and adopt the Ordinance of the City Council of the City of San Buenaventura, California, Amending, In Part, Articles 1-3 and Adding Article 5 to Chapter 6.500, “Collection of Solid Waste” To Make Changes to the City’s Solid Waste Recycling Program.

**BACKGROUND**

These changes are related to Senate Bill 1383 and include provisions to implement and enforce mandatory organics recycling. Attachment A is the Ordinance Introduced and Approved for the First Reading by City Council on October 25, 2021 [Vote: 6-Yes; 0-No; 1-Absent (Councilmember Johnson)].

Prepared by: Antoinette Mann, City Clerk

**ATTACHMENT**

A      Ordinance

# ATTACHMENT A

ORDINANCE NO. 2021-\_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF SAN BUENAVENTURA,  
CALIFORNIA, AMENDING, IN PART,  
ARTICLES 1-3 AND ADDING ARTICLE 5 TO  
CHAPTER 6.500, "COLLECTION OF SOLID  
WASTE" TO MAKE CHANGES TO THE  
CITY'S SOLID WASTE RECYCLING  
PROGRAM**

The Council of the City of San Buenaventura does ordain as follows:

**Section 1.** Article 1 of Section 6.500 of the San Buenaventura Municipal Code, "Collection of Solid Waste," is hereby amended to read as follows:

**"Sec. 6.500.110. Legislative policy.**

The city council does hereby find and determine that the storage, accumulation, collection and disposal of solid waste is a matter of great public concern, in that improper control of such matters creates a public nuisance, can lead to air pollution, fire hazards, illegal dumping, insect breeding and rat infestation and other problems affecting the health, welfare and safety of the residents of this and surrounding cities.

The city council also finds that a recyclable materials and green waste collection and processing program is necessary for the city to achieve the diversion goals mandated by the Integrated Waste Management Act of 1989 (Public Resources Code section 40000, et seq.) and that failure to comply with this mandate exposes the city and

its residents to substantial fines and additional costs.

#### **Sec. 6.500.120. Definitions.**

For the purpose of this chapter, the following definitions apply:

*Animal waste* means any carcass, manure, fertilizer, or any form of solid excrement produced by any and all forms of domestic or commercial livestock such as cattle or horses, but not including household pets.

*Black container waste* means solid waste that is collected in a black or gray container that is part of a three-container or three-plus organic waste collection service that prohibits the placement of organic waste in the black container, as defined in Section 6.500.620(2) below, or as otherwise specified or defined in 14 CCR Sections 18984.1(a) and (b), or 14 CCR Section 17402(a)(6.5).

*City* means the City of San Buenaventura, a municipal corporation, and all the territory lying within the municipal boundaries of the city as presently existing or as such boundaries may be modified.

*City council* means the mayor and city council of the City of San Buenaventura.

*City manager* means the city manager of the City of San Buenaventura or the city manager's designee.

*Combined solid waste* means every putrescible and non-putrescible waste placed in a single container.

*Commercial occupant* means every owner of, and every tenant or person who is in possession of or has the care and control of, a commercial business.

*“Commercial business,” “Commercial premises,” or “Commercial”* means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of this Article.

*Composting* means a method of treatment in which organic wastes are biologically decomposed under controlled, aerobic or anaerobic conditions to produce a product that can be reused.

*Construction and demolition debris* means used or discarded construction materials removed from premises during the construction, demolition, or renovation of a structure, as provided in Section 6.500.5120.

*Container* means a container or the reception, removal and disposal of solid waste, including black container waste, food waste, green waste, or recyclable materials. Container includes a can, bin or drop box.

*Disposal* means the final disposition of solid waste at a disposal site.

*Disposal site* means the solid waste facility or facilities approved by the city for the ultimate disposal of solid waste.

*Franchisee* means a person who has entered into a franchise agreement with the city council pursuant to division 2, chapter 3, article 1 of the City of San Buenaventura Municipal Code.

*Food waste* means all food scraps, food-soiled paper, and compostable plastics generated at residential and commercial premises.

*Green waste* means tree trimmings, grass cuttings, dead plants, leaves, branches, dead trees, and other miscellaneous organic material generated at residential and commercial premises.

*Hazardous waste* means all substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by the State of California in Health and Safety Code sections 25110.02, 25114, and 25117 or in future amendments to or recodifications of such statutes, or identified and listed as hazardous waste by the U.S. Environmental Protection Agency, pursuant to the Federal Resource Conservation and Recovery Act (42 USC Section 6901 et seq.), and all future amendments thereto.

*Home composting* means the on-site recycling of organic materials such as leaves

and grass clippings generated on residential premises.

*Litter* means any quantity of solid waste which is not placed in a container.

*Multi-family residential dwelling, multi-family residence, or multi-family* means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

*Non-organic recyclables* means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

*Nonputrescible waste* means solid waste which is not subject to decomposition by microorganisms.

*Occupant* means and includes every owner of, and every tenant or person who is in possession of, or has the care and control of, an inhabited residence or a place of business.

*Permittee* means any person authorized by City of San Buenaventura permit to collect recyclable materials.

*Person* means any individual, firm, association, organization, partnership, corporation, business trust, joint venture, the United States, the State of California, the County of Ventura, and special purpose districts.

*Processing facility* means a properly licensed and permitted plant or site used for the purpose of sorting, cleaning, treating, reconstituting and marketing recyclable materials.

*Putrescible waste* means solid wastes originated from living organisms and their metabolic waste products and from petroleum, which contains naturally produced organic compounds and which are biologically decomposable by microbial and fungal action into the constituent compounds of water, carbon dioxide, and other simpler organic compounds.

*Recyclable materials* means domestic, commercial or industrial by-products of economic value which are source separated, set aside, handled, packaged, or offered for collection by the waste generator in a manner different from solid waste and specifically includes without limitation glass, paper, plastic, and metal, or as otherwise defined in 14 CCR Section 18982(a)(43).

*Residential premises* means a site occupied by a building zoned for residential occupation, including Multi-Family and Single-Family Dwellings, and whose occupants generate solid wastes, including black container waste, food waste, green waste, and/or recyclable materials. No place used primarily for business purposes shall be considered as a residential unit.

*Single-family residence, single-family dwelling, or single-family* means of, from, or pertaining to any residential premises with fewer than five (5) units.

*Solid waste* has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes accumulated or delivered for collection and disposal within the City and includes, but is not limited to, garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

1. Hazardous waste, as defined in the State Public Resources Code Section 40141.
2. Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
3. Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.



*Source separated* means the segregation, by the waste generator, of materials designated for separate collection for some form of materials recovery or special handling.

*Transfer station* includes those facilities utilized to receive solid waste, temporarily store, and transfer the solid wastes directly from smaller to larger vehicles for transport. Transfer station does not include the following:

1. A facility whose principal function is to receive, store, separate, convert, or otherwise process manure in accordance with state minimum standards.
2. A facility whose principal function is to receive, store, convert or otherwise process wastes which have already been separated for reuse and are not intended for disposal.

*Transformed* means incinerated, pyrolyzed, distilled, gasified, or biologically converted other than composted.

*Waste generator* means any person, as defined by Section 40170 of the Public Resources Code, whose act or process produces solid waste as defined in Public Resources Code Section 40191, or whose act first causes solid waste to become subject to regulation.

#### **Sec. 6.500.130. Solid Waste Collection and Disposal.**

- A. The owner or tenant of any property in the city shall be responsible for

removal of all solid waste accumulated on such property.

B. In accordance with, and as provided in further detail below in Article 5, commencing with Section 6.500.510, all solid waste created, produced or accumulated in or about residential premises in the city, including single-family dwellings, shall be removed from the premises and disposed of at least once each week, except as otherwise provided in Section 6.500.550(C). All solid waste created, produced or accumulated at commercial businesses, including multi-family dwellings, hotels, restaurants, boardinghouses or other places of business situated in the city shall be removed from the premises at least once a week, except as otherwise provided in Section 6.500.550(C). The Ventura County Health Department may require a greater number of collections per week. Each day's violation of this section shall be treated and considered as a separate and distinct offense.

C. No person may deposit solid waste or containers upon any street, alley, gutter, parkway, or upon any lot or vacant area or other public place or way other than as provided in this chapter.

D. Other than as set forth in this chapter, it is unlawful for any person to dump, bury, or otherwise dispose of or store or accumulate any solid waste on any private or public property within the city, provided, however, that leaves, grass clippings, and the like may be permitted for the purpose of home composting or mulching.

## **Sec. 6.500.140. Containers.**

All containers for solid waste, including black container waste, food waste, green waste, and recyclable materials shall be provided and maintained as follows:

1. The franchisee shall provide and maintain containers for the reception, removal and disposal of solid waste, including black container waste, food waste, green waste, and recyclable materials, as specified in this section for customers of the franchisee.

2. All containers shall be water tight, constructed of a material of suitable strength and durability and shall be tight seamed.

3. Commercial containers provided by the franchisee shall be:

(a) Leak proof, and provided with a lid, where applicable.

(b) Constructed entirely of non-combustible materials.

(c) Located within enclosures designed for this purpose.

4. No occupant shall so fill any container with solid waste, black container waste, green waste, or recyclable materials above the top of the container to such an extent as to permit the contents of any container to be blown or otherwise strewn about.

## **Sec. 6.500.150. Placement of Containers for Collection.**

In accordance with, and as specifically provided in Sections 6.500.530 and 6.500.540 below, occupants of residential and commercial premises serviced by the franchisee shall place containers for collection by the franchisee of all solid waste, including black container waste, food waste, green waste, and recyclable materials as follows:

1. Separate containers for the purpose of reception and removal of solid waste, including black container waste, food waste, green waste, and recyclable materials, shall be placed by the occupant in the parkway portion of the street, if available, otherwise on the curb or sidewalk along the street in front or to the rear of each residential dwelling or place of business in the city. Where paved alleys exist from which collections can be made, the containers may be placed in such paved alleys.

2. In all cases of disputes or complaints concerning the place where containers shall be placed while waiting for the removal of their contents, the director of public works shall designate the place.

3. Occupants shall not place containers at the curb for collection by a franchisee at any time other than the days established by the franchisee for the collection of such solid waste, including black container waste, food waste, green waste, or recyclable materials on the particular route involved or earlier than 4:00 p.m. of the day preceding the day designated for collection. All containers

shall be removed from the place of collection prior to 8:00 p.m. of the day the containers have been emptied.

4. Each occupant of residential and commercial premises shall maintain supervision over containers on their premises and shall maintain such containers in a sanitary condition. If the containers or receptacles should not be emptied and the contents removed on the date and time scheduled by the franchisee, occupant should immediately notify the franchisee or the city and it shall be the duty of the franchisee to arrange for the collection and disposal of the solid waste, including black container waste, food waste, green waste, and/or recyclable material.

5. No person other than the waste generator or any employee, franchisee, or permittee of the city shall move, remove, or interfere with any container or its contents.

6. If solid waste, either from residential premises or from commercial businesses, is too large to be placed in a container but is to be collected by a franchisee, it shall be carefully placed beside the container, in securely tied bundles not in excess of 18 inches in diameter and five feet in length and weighing not more than 75 pounds.

#### **Sec. 6.500.160. Storage of Containers.**

Except as provided in section 6.500.150, no person shall place or leave any container described in this chapter on public property, or allow such container to remain

thereon. No person shall store such a container in a residential area so that it is visible from a public street.

**Sec. 6.500.170. Disposal.**

A franchisee or waste generator disposing of its own solid waste, including black container waste, food waste, green waste, and/or recyclable materials shall dispose of all such solid wastes at a disposal site or processing facility in a manner satisfactory to the city and in accordance with all federal, state and local laws and regulations.

**Sec. 6.500.180. Special Collection and Disposal Provisions.**

A. The removal of wearing apparel, bedding or other infectious waste from homes, hospitals or other places where highly infectious or contagious diseases have prevailed, shall be performed under the supervision and direction of the county health officer and such infectious waste shall not be placed for regular collection and disposal.

B. Highly inflammable, explosive/radioactive, or other hazardous waste shall not be placed in containers for regular or annual collection and disposal but shall be removed by separate agreement(s), at occupant's expense, in accordance with all federal, state and local laws and regulations with a company properly licensed and permitted for the collection and disposal of inflammable, explosive/radioactive or other hazardous waste.

If the franchisee determines that waste placed for collection or disposal is hazardous

waste, designated waste, or other waste that may not legally be disposed of at the disposal site or presents a hazard to franchisee's employees, the franchisee shall have the right to refuse to accept such waste.

C. Animal waste, as herein defined, shall not be placed in containers for regular collection and disposal, but shall be removed by separate agreement with a company properly licensed, at the occupant's expense, in accordance with all federal, state and local laws and regulations.

D. The solid waste collection franchisee shall not be required to collect and dispose of hot ashes, animal feces, dead animals, abandoned vehicles, or solid waste from any place where highly infectious or contagious disease has prevailed; nor explosive substances, radioactive materials, drugs, poisons or any material defined by the State of California or federal law as "hazardous waste."

E. All ashes, when placed for collection, shall be cold and free from any fire, live coals, or other substances which might ignite.

#### **Sec. 6.500.190. Restrictions on Burying or Burning Waste.**

A. No solid or designated waste shall be burned within the city except as permitted by the fire department.

B. No person shall dump, place or bury any solid or designated waste, or any other deleterious or offensive substances

provided, however, that this section shall not apply to any land used by the city for a composting or disposal site or to any privately-owned parcel wherein a specific waiver of this section is granted by resolution of the city council due to unusual or extraordinary conditions.

C. No person may dump or spread solid or designated waste on the surface of the ground for drying, except for home composting.”

**Section 2.** Article 2 of Section 6.500 of the San Buenaventura Municipal Code, “Solid Waste Franchises,” is hereby amended to read as follows:

**“Sec. 6.500.210. City council to issue franchise.**

The city council may from time to time enter into franchise agreements for the collection of solid waste, green waste and recyclable materials from residential and commercial premises. All franchise agreements may be entered into without competitive bidding.

**Sec. 6.500.220. Collection by franchisee.**

A. Collection and removal of solid waste, including black container waste, food waste, green waste, and recyclable materials by a franchisee shall be made in accordance with the terms and conditions of this chapter and the franchise agreement between the city and the franchisee.

B. Franchisee shall collect solid waste, including black container waste, food



waste, green waste, and recyclable materials from the curbside, sidewalk, parkway, or paved alley and dispose of all solid waste, including black container waste, food waste, green waste, and recyclable materials generated at residential premises within the city and delivered for collection, not less than once per week, except as otherwise provided in Section 6.500.550(C) below.

C. Franchisee shall collect and dispose of all solid waste, including black container waste, food waste, green waste, and recyclable materials generated at multi-family residences, commercial businesses, and industrial premises within the city and delivered to a container for collection not less than once per week, except as otherwise provided in Section 6.500.550(C). If such waste is putrescible and delivered for collection to a drop box, it also will be collected not less than once per week, except as otherwise provided in Section 6.500.550(C). If such waste is nonputrescible and delivered for collection to a drop box, it will be scheduled with the waste generator for collection.

#### **Sec. 6.500.230. Unlawful collection.**

Except as expressly provided in this section, it is unlawful for any person to collect or transport solid waste, including black container waste, food waste, green waste, or recyclable materials within the city unless such person is a solid waste, black container waste, food waste, green waste, or recyclable materials collection and hauling franchisee, or unless the solid waste, black container waste, food waste, green waste, and/or recyclable

materials collected is exempted under this section. It is unlawful for any person to permit, allow or enter into any agreement whatsoever, for the collection or transportation of solid waste, black container waste, food waste, green waste, or recyclable materials with any person who is not a solid waste, black container waste, food waste, green waste, or recyclable materials collection and hauling franchisee, except for, and subject to the following exemptions:

1. Green waste removed from a premises by a gardening, landscaping, or tree trimming contractor as an incidental part of a total service offered by that contractor rather than as a transportation service.

2. Tree trimmings, clippings, and all similar materials generated at parks, and other city-maintained premises, which may be collected and transported by the city to the disposal site or processing facility.

3. Hazardous or dangerous materials; liquid and dry caustics; acids; bio-hazardous, flammable, or explosive materials; insecticides; and similar substances.

4. Infectious medical waste (as defined in California Health and Safety Code 25117.5).

5. Demolition and construction debris removed from a premises by a licensed contractor using its own employees and equipment as an incidental part of a total service offered by that contractor rather than as a hauling service.

6. By-products of sewage treatment, including sludge, grit and screenings.

7. Solid waste which is generated at any premises and which is transported personally by the owner or occupant of such premises (or by his or her full-time employees) to a licensed public solid waste disposal facility in accordance with the self-haul requirements provided in Section 6.500.590 below and other applicable laws.

8. Animal waste and remains from slaughterhouses or butcher shops for use as tallow.

9. Recyclable materials separated from solid waste by the waste generator and for which the generator is compensated by a permittee who shall not receive value from the waste generator for the permittee's services to the waste generator.

**Sec. 6.500.240. Annexation; continuation of service.**

Notwithstanding the provisions of section 6.500.230, a person who has been operating a business that collects, transports and disposes of solid waste, serving any county residents or customers in a county area that is annexed to the city effective on or after July 1, 1993, may continue providing the service previously provided, without expansion thereof, as a legal nonconforming activity, for the remainder of the current term of any existing county franchise, permit or other similar authorization to carry on such activity, or for three years from the date the resident or customer's property became

annexed to the city, whichever is the lesser. Any such legal nonconforming activity must, at all times, comply with any and all standards and requirements that would be applicable were the residents or customers still being served while situated in unincorporated county area, and with any and all requirements of this article not inconsistent therewith. Where the requirements of this article are greater or more restrictive, such greater or more restrictive requirements shall apply. There may be no expansion of customers or territory served within the city. Should service of particular customers or within particular areas cease, the same may not and shall not be renewed or reinstituted. All rights and powers of the city, by way of example and not a limitation, as specified in this section and section 6.500.310 of this Code and otherwise existing under law, are expressly reserved and retained. The privilege to continue as a legal nonconforming activity within the city may be discontinued by the city at any time either by exercise of the city's retained rights or powers or for specific cause, as, for example, but without limitation, for failure of the legal nonconforming activity to comply with an applicable requirement.

**Sec. 6.500.250. Reserved.**

**Sec. 6.500.260. Billings and Penalties.**

Each occupant of the city receiving services from a franchisee shall be billed by the franchisee periodically in accordance with the rates established by the city council. Should any occupant fail, refuse or neglect to pay any such bill, then, in the event, a penalty may be added to the bill and the sum,

together with any costs incurred by the franchisee may be recovered by the franchisee, as provided by law.

**Sec. 6.500.270. Failure to pay.**

Failure or refusal to pay fees assessed pursuant to this article, may result in the noncollection of solid waste, including black container waste, food waste, green waste and recyclable materials, which condition the city council may declare to be a public nuisance if permitted to exist. In the event that there is non-payment, the director of public works shall direct the franchisee to make collection and the expenses and charges of collection, including penalties, may be assessed against the property as provided by law. In the event of nonpayment, the franchisee shall nonetheless continue to collect solid waste, including black container waste, food waste, green waste and recyclable materials if directed to do so by the director of public works.”

**Section 3.** Section 6.500.3100 of Article 3 of Section 6.500 of the San Buenaventura Municipal Code, “Permit Assignment, Transfer, Renewal, Prohibitions and Revocation,” is hereby amended to read as follows:

**“Sec. 6.500.3100. Permit Assignment, Transfer, Renewal, Prohibitions and Revocation.**

**A.     *Assignment or transfer of permit.***

1.     A permit issued under this article may not be transferred or assigned. Any such transfer or assignment shall be void and the attempted assignment shall result in the

automatic termination of the permittee's permit.

2. For purposes of this section, "transfer" or "assignment" shall include, but not be limited to (i) a sale, exchange or other transfer of substantially all of permittee's assets dedicated to service under this chapter to a third party; (ii) a sale, exchange, or other transfer of ten percent or more of the outstanding common stock of permittee; (iii) any reorganization, consolidation, merger, re-capitalization, stock issuance or re-issuance, voting trust, pooling agreement, escrow arrangement, liquidation or other transaction to which permittee or any of its shareholders is a party which results in a change of ownership or control of ten percent or more of the value or voting rights in the stock of permittee; and (iv) any combination of the foregoing (whether or not in related or contemporaneous transactions) which has the effect of any such transfer or change of ownership. For purposes of this section, the term "proposed assignee" shall refer to the proposed transferee(s) or other successor(s) in interest pursuant to the assignment.

B. *Permit renewal.* Permittee shall submit to the city an annual statement of operations in a form prescribed by the city with its request for a permit renewal. Such annual statement shall, at a minimum, include the recyclable materials collected by the permittee in the city by type, quantities of each

type, customers serviced, and amounts paid to customers by type.

*C. Prohibitions.*

1. Permittee shall not collect solid waste, including black container waste, food waste, or green waste, nor shall permittee collect mixed waste containing black container waste and/or food waste and/or green waste and/or recyclable materials. Permittee shall only collect those recyclable materials from such occupants of premises that it has an agreement with and which occupant separates the recyclable materials from its solid waste and places such source separated recyclable materials at a designated collection location for collection by the permittee.

2. Permittee shall not charge, nor shall permittee receive, value from the waste generator for the permittee's services.

*D. Revocation.*

1. A permit may be revoked by the city council, in the event that the permittee has not complied with either the provisions of this chapter or all other applicable statutes, ordinances, rules and regulations.

The director of public works shall notify the permittee in writing of noncompliance and shall order compliance within 30 days.

2. If noncompliance is not corrected within 30 days of the written notice of noncompliance pursuant to this section, the director of public works may revoke the permit or take such other action as determined to be necessary.”

**Section 4.** Article 5, “Organic Waste Recycling,” is hereby added to Section 6.500 of the San Buenaventura Municipal Code to read as follows:

**“Sec. 6.500.510. Purpose and Findings.**

The City finds and declares:

A. State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their Jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

B. State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented,



superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires Jurisdictions to implement a Mandatory Commercial Recycling program.

C. State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires Jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires Jurisdictions to implement a Mandatory Commercial Organics Recycling program.

D. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including Jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.

E. SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires Jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This Article will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

**Sec. 6.500.520. Definitions.**

1. *Black or Gray Container* has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Black Container Waste.

2. *Black Container Waste* means Solid Waste that is collected in a Black or Gray Container that is part of a three-container or three-plus Organic Waste collection service that prohibits the placement of Organic Waste in the Black Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).

3. *Blue Container* has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.

4. *Brown Container* has the same meaning as in 14 CCR Section 18982(a)(5.5) and shall be used for the purpose of storage

and collection of Source Separated Food Waste as specified in 14 CCR Section 18984.1(a)(6)(A).

5. *CalRecycle* means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on Jurisdictions (and others).

6. *California Code of Regulations* or "CCR" means the State of California Code of Regulations. CCR references in this Article are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).

7. *City* means the City of San Buenaventura, and geographically means the area within the territorial city limits of the City of San Buenaventura and such territory outside of the city over which the City has jurisdiction or control by virtue of any constitutional provision or any law.

8. *City Enforcement Official* means the city manager or other executive in charge or their authorized Designee(s) who is/are partially or whole responsible for enforcing this Article. See also "Regional or County Agency Enforcement Official".

9. *Commercial Business* or *Commercial* means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, including a "Commercial occupant" as defined in Section

6.500.120 of the City's Municipal Code (Code 1971), or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this Article.

10. *Commercial Edible Food Generator* includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Subsections 68 and 69 of this Section, or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).

11. *Compliance Review* means a review of records by the City to determine compliance with this Article.

12. *Community Composting* means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).

13. *Compost* means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility; or, as otherwise defined

in 14 CCR Section 17896.2(a)(4).

14. *Compostable Plastics* or “Compostable Plastic” means plastic materials that meet the ASTM D6400 standard for composability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

15. *Container Contamination* or *Contaminated Container* means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).

16. *C&D* means construction and demolition debris.

17. *Designee* means an entity that a City contracts with or otherwise arranges to carry out any of the City's responsibilities of this Article as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.

18. *Edible Food* means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Article or as otherwise defined in 14 CCR Section 18982(a)(18), Edible Food is not Solid Waste if it is recovered and not discarded. Nothing in this Article or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.

19. *Enforcement Action* means an action of the City to address non-compliance with this Article including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.

20. *Excluded Waste* means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the City's, or its Designee's, reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the City, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code.

21. *Food Distributor* means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).

22. *Food Facility* has the same meaning as in Section 113789 of the Health and Safety Code.

23. *Food Recovery* means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).

24. *Food Recovery Organization* means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

(a) A food bank as defined in Section 113783 of the Health and Safety Code;

(b) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,

(c) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

(d) A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Article and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

(e) If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Article.

25. *Food Recovery Service* means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Article and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

26. *Food Scraps* means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, eggshells, or any other food items or materials as mutually agreed by City and its Solid Waste hauler. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

27. *Food Service Provider* means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

28. *Food-Soiled Paper* is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups,



napkins, pizza boxes, and milk cartons.

29. *Food Waste* means Food Scraps, Food-Soiled Paper, and Compostable Plastics.

30. *Green Container* has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.

31. *Grocery Store* means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).

32. *Hauler Route* means the designated itinerary or sequence of stops for each segment of the City's collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

33. *High Diversion Organic Waste Processing Facility* means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the "Mixed waste organic collection stream" as defined in 14 CCR Section 17402(a)(11.5); or,

as otherwise defined in 14 CCR Section 18982(a)(33).

34. *Inspection* means a site visit where the City reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Article, or as otherwise defined in 14 CCR Section 18982(a)(35).

35. *Jurisdiction* means the City of San Buenaventura.

36. *Large Event* means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Article.

37. *Large Venue* means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this v and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or

civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Article and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Article.

38. *Local Education Agency* means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).

39. *Multi-Family Residential Dwelling, Multi-Family Residence, or Multi-Family* means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.

40. *Non-Compostable Paper* includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).

41. *Non-Local Entity* means the following entities that are not subject to the City's enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):

(a) Special district(s) located within the boundaries of the City, including the Ventura Port District.

(b) Prison(s) located within the boundaries of the City, including the Ventura County Jail.

(c) Facilities operated by the State park system located within the boundaries of the City, including the California State Park Ventura District.

(d) Public universities (including community colleges) located within the boundaries of the City, including Ventura Community College.

(e) County fairgrounds located within the boundaries of the City, including Ventura County Fairgrounds.

(f) School Districts located within the boundaries of the City, including Ventura Unified School District.

42. *Non-Organic Recyclables* means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).

43. *Notice of Violation (NOV)* means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.

44. *Organic Waste* means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

45. *Organic Waste Generator* means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

46. *Paper Products* include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).

47. *Printing and Writing Papers* include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).

48. *Prohibited Container Contaminants* means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable

Source Separated Recyclable Materials for the City's Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the City's Green Container; (iii) discarded materials placed in the Black Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes to be placed in City's Green Container and/or Blue Container; (iv) discarded materials placed in the Brown Container that are not identified as acceptable Source Separated Brown Container Organic Waste for the City's Brown Container; and (v) Excluded Waste placed in any container.

49. *Recovered Organic Waste Products* means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).

50. *Recovery* means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

51. *Recycled-Content Paper* means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).

52. *Regional Agency* means regional agency as defined in Public Resources Code Section 40181.

53. *Remote Monitoring* means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, Brown Containers, and Black Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

54. *Renewable Gas* means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).

55. *Restaurant* means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).

56. *Route Review* means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

57. *SB 1383* means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public

Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.

58. *SB 1383 Regulations* or *SB 1383 Regulatory* means or refers to, for the purposes of this Article, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.

59. *Self-Hauler* means a person who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator's own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).

60. *Single-Family* means of, from, or pertaining to any residential premises with fewer than five (5) units.

61. *Solid Waste* has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes accumulated or delivered for collection and disposal within the City and includes, but is



not limited to, garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

(a) Hazardous waste, as defined in the State Public Resources Code Section 40141.

(b) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).

(c) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.

62. *Source Separated* means materials, including commingled recyclable materials, that have been separated or kept

separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this Article, Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Black Container Waste or other Solid Waste for the purposes of collection and processing.

63. *Source Separated Blue Container Organic Waste* means Source Separated Organic Wastes that can be placed in a Blue Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables as defined in Section 18982(a)(43), or as otherwise defined by Section 17402(a)(18.7).

64. *Source Separated Green Container Organic Waste* means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

65. *Source Separated Recyclable Materials* means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste.

66. *State* means the State of California.

67. *Supermarket* means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

68. *Tier One Commercial Edible Food Generator* means a Commercial Edible Food Generator that is one of the following:

(a) Supermarket.

(b) Grocery Store with a total facility size equal to or greater than 10,000 square feet.

(c) Food Service Provider.

(d) Food Distributor.

(e) Wholesale Food Vendor.

(f) If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Article.

69. *Tier Two Commercial Edible Food Generator* means a Commercial Edible Food Generator that is one of the following:

(a) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.

(b) Hotel with an on-site Food Facility and 200 or more rooms.

(c) Health facility with an on-site Food Facility and 100 or more beds.

(d) Large Venue.

(e) Large Event.

(f) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.

(g) A Local Education Agency facility with an on-site Food Facility.

(h) If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this Article.

70. *Uncontainerized Green Waste and Yard Waste Collection Service* or *Uncontainerized Service* means a collection service that collects green waste and yard waste that is placed in a pile or bagged for collection on the street in front of a generator's

house or place of business for collection and transport to a facility that recovers Source Separated Organic Waste, or as otherwise defined in 14 CCR Section 189852(a)(75).

71. *Wholesale Food Vendor* means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

#### **Sec. 6.500.530. Requirements for Single-Family Generators.**

Single-Family Organic Waste  
Generators shall comply with the following requirements.

A. Shall subscribe to City's Solid Waste collection services for all Solid Waste generated as described below in subsection B below. City shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and Single-Family generators shall adjust their service level for its collection services as requested by the City. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

B. Shall participate in the City's Organic Waste collection service(s) by placing

designated materials in a three- or four-container collection service (Blue Container, Green Container, and Black Container [and potential Brown Container]), as described below, and shall not place Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Green Container Organic Waste, including Food Waste placed in a bag (provided that the use of bags does not inhibit the City's ability to meet Container Contamination Minimization requirements under Public Resources Code Section 18984.5), in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Black Container Waste in the Black Container. Generators shall not place materials designated for the Black Container into the Green Container or Blue Container. Generators shall continue to place Source Separated Green Container Organic Waste and Black Container Waste in the corresponding containers provided, until such time as the existing containers have been replaced, in accordance with 14 CCR Section 18984.1. City may, in its sole discretion, elect to implement a four-container Solid Waste collection service, which may include the use of Black Containers for Source Separated Black Container Waste, Green Containers for Source Separated Green Container Waste, Blue Containers for Source Separated Recyclable Materials, and Brown Containers for Source Separated Brown Container Waste.

#### **Sec. 6.500.540. Requirements for Commercial Businesses.**

Generators that are Commercial Businesses, including Multi-Family Residential

Dwellings, shall:

A. Subscribe to City's Solid Waste collection services for all Solid Waste generated and comply with requirements of those services as described below in subsection B, except for Commercial Businesses that meet the Self-Hauler requirements in Section 6.500.590 of this Article. City shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and Commercial Businesses shall adjust their service level for their collection services as requested by the City.

B. Except for Commercial Businesses that meet the Self-Hauler requirements in Section 6.500.590, participate in the City's Organic Waste collection service(s) by placing designated materials in a three- or four collection service, as described below.

1. Generators shall place Source Separated Green Container Organic Waste in the Green Container; Source Separated Brown Container Organic Waste in the Brown Container; Source Separated Recyclable Materials in the Blue Container; and Black Container Waste in the Black Container. Generator shall not place materials designated for the Black Container into the Green Container, Brown Container, or Blue Container. Generators shall continue to place all Solid Waste in the

existing containers, as currently labeled and designated for collection, until such time as the existing containers are replaced in accordance with 14 CCR Section 18984.1 and this Article.

2. Generators granted permission by City and its designees to use a three container system due to physical space constraints shall place Source Separated Green Container Organic Waste, including Food Waste placed in a bag (provided that the use of bags does not inhibit the City's ability to meet Container Contamination Minimization requirements under Public Resources Code Section 18984.5), in the Green Container; Source Separated Recyclable Materials in the Blue Container; and Black Container Waste in the Black Container. Generator shall not place materials designated for the Green Containers or Blue Containers in the Black Containers.

C. Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with subsections D(1) and D(2) below) for employees, contractors, tenants, and customers, consistent with City's Blue Container, Green Container, Brown Container, and Black Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 6.500.590.

D. Excluding Multi-Family Residential Dwellings, provide containers for the collection



of Source Separated Brown Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

1. A body or lid that conforms with the container colors provided through the collection service provided by the city, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

2. Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the

container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.

E. Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in subsection D above, pursuant to 14 CCR Section 18984.9(b).

F. To the extent practical through education, training, Inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the City's Blue Container, Brown Container, Green Container, and Black Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 6.500.590.

G. Excluding Multi-Family Residential Dwellings, periodically inspect Blue Containers, Green Containers, Brown Containers, and Black Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3) on a quarterly basis.

H. Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Brown Container Organic

Waste, Source Separated Green Container Organic Waste, and Source Separated Recyclable Materials.

I. Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste, Source Separated Brown Container Organic Waste, and Source Separated Recyclable Materials separate from Black Container Waste (when applicable) and the location of containers and the rules governing their use at each property.

J. Provide or arrange access for City or its agent to their properties during all Inspections conducted in accordance with Section 6.500.51000 to confirm compliance with the requirements of this Article.

K. Accommodate and cooperate with City's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate generator's compliance with subsection B above. The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Blue Containers, Green Containers, Brown Containers, and Black Containers.

L. At Commercial Business's option and subject to any approval required from the City, implement a Remote Monitoring program for Inspection of the contents of its Blue Containers, Green Containers, Brown Containers, and Black Containers for the

purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Blue Containers, Green Containers, Brown Containers, and Black Containers subject to written notification to or approval by the City or its Designee.

M. If a Commercial Business wants to self-haul, meet the Self-Hauler requirements in Section 6.500.590 of this Article.

N. Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

O. Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Food Recovery requirements, pursuant to Section 6.500.060.

#### **Sec. 6.500.550. Waivers for Generators.**

A. De Minimis Waivers: City may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this Article if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in subsection A(2) below. Commercial Businesses requesting a de minimis waiver shall:

1. Submit an application

specifying the services that they are requesting a waiver from and provide documentation as noted in subsection A(2) below.

2. Provide documentation that either:

(a) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Blue Container, Brown Container, or Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or

(b) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Blue Container, Brown Container, or Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.

3. Notify City if circumstances change such that Commercial Business' Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.

4. Provide written verification of eligibility for de minimis waiver every 5 years if City has approved de minimis waiver.

B. Physical Space Waivers: City may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the City has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Sections 6500.530 or 6.500.540.

A Commercial Business or property owner may request a physical space waiver through the following process:

1. Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
2. Provide documentation that the premises lacks adequate space for Blue Containers, Brown Containers, and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
3. Provide written verification to City that it is still eligible for physical space waiver every five years if City has approved application for a physical space waiver.

C. Collection Frequency Waiver: City, at its or its designee's discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the City's three- or four-container Organic Waste collection service to arrange for the collection of their Blue Container, Black Container, or both once every fourteen days, rather than once per week.

**Sec. 6.500.560. Requirements for Commercial Edible Food Generators.**

A. Tier One Commercial Edible Food Generators must comply with the requirements of this Section 6.500.560 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.

C. Commercial Edible Food Generators shall comply with the following requirements:

1. Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.

2. Enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.

3. Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.

4. Allow City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.

5. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:

(a) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a written agreement established under 14 CCR Section 18991.3(b).

(b) A copy of all written agreements established under 14 CCR Section 18991.3(b).

(c) A record of the following information for each of



those Food Recovery Services or Food Recovery Organizations:

(i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.

(ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.

(iii) The established frequency that food will be collected or self-hauled.

(iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

(d) No later than April 1 of each year commencing no later than April 1, 2022 for Tier One Commercial Edible Food Generators and April 1, 2024 for Tier Two Commercial Edible Food Generators, provide an annual Food Recovery report to the City that includes the records described in subsection C(5)(c) above.

D. Nothing in this Article shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

**Sec. 6.500.570. Requirements for Food Recovery Organizations and Services.**

A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.

2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.

3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.

4. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):

1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.

2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.

3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

C. Food Recovery Organizations and Food Recovery Services shall inform generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their agreement established under 14 CCR Section

18991.3(b).

D. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the city and written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a written agreement with pursuant to 14 CCR Section 18991.3(b) no later than April 1 each year.

E. Food Recovery Capacity Planning. Food Recovery Services and Food Recovery Organizations. In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the County, City, special district that provides Solid Waste collection services, or its designated entity, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City shall respond to such request for information within 60 days unless a shorter timeframe is otherwise specified by the City.

**Sec. 6.500.580. Requirements for Haulers and Facility Operators.**

**A. Requirements for Haulers**

1. Exclusive franchised hauler providing residential, Commercial, or industrial Organic Waste collection services to generators within the City's boundaries shall meet the following requirements and standards as a condition of approval of an agreement or other authorization with the City to collect Organic Waste:

(a) Through written notice to the City, annually, on or before January 31, including facilities for Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, and Source Separated Brown Container Organic Waste.

(b) Transport Source Separated Recyclable Materials, Source Separated Green Container Organic Waste, and Source Separated Brown Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

(c) Obtain approval from the City to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or

lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, Section 6.500.590 of this Article, and City's C&D requirements, as set forth in Section 12.135.020 of City's Municipal Code (Ord. No. 2019-019) and Section 13 of this Article.

2. Exclusive franchised hauler authorization to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement, permit, license, or other agreement entered into with the City.

B. Requirements for Facility Operators and Community Composting Operations

1. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon City request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.

2. Community Composting operators, upon City request, shall

provide information to the City to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the City shall respond within 60 days.

**Sec. 6.500.590. Self-Hauler Requirements.**

A. Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that City otherwise requires generators to separate for collection in the City's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.

B. Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials and haul their Source Separated Green Container Organic Waste and/or Source Separated Brown Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.

C. Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property

that processes or recovers Organic Waste; this record shall be subject to Inspection by the City. The records shall include the following information:

1. Delivery receipts and weight tickets from the entity accepting the waste.
2. The amount of material in cubic yards or tons transported by the generator to each entity.
3. If the material is transported to an entity that does not have scales onsite or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.

D. Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 6.500.590(C) to City on a quarterly basis no later than the 30th of March, June, September, and December.

#### **Sec. 6.500.5100. Inspections and Investigations by City.**

A. City representatives and/or its designated entity, including Designees, are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source



Separated materials to confirm compliance with this Article by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow City to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with Section 6.500.540 (B) of this Article, City may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to Section 6.500.540 (K) of this Article.

B. Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City's employee or its designated entity/Designee during such sectInspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this Article described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment; or (ii) access to records for any Inspection or investigation is a violation of this Article and may result in penalties described.

C. Any records obtained by a City during its Inspections, Remote Monitoring,

and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.

D. City representatives, its designated entity, and/or Designee are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this Article, subject to applicable laws.

E. City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

#### **Sec. 6.500.5110. Enforcement.**

A. Violation of any provision of this Article shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a City Enforcement Official or representative. Enforcement Actions under this Article are issuance of an administrative citation and assessment of a fine. The City's procedures on imposition of administrative fines, as set forth in Chapter 1.050 of the City's Municipal Code (Ordinance No. 2007-001) are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this Article and any rule or regulation adopted pursuant to this Article, except as otherwise indicated in this Article.

B. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. City may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations, exist such that court action is a reasonable use of City staff and resources.

C. Responsible Entity for Enforcement. Enforcement pursuant to this Article may be undertaken by the City Enforcement Official, which may be the city manager or their designated entity, legal counsel, or combination thereof.

D. Process for Enforcement

1. City Enforcement Officials and/or their Designee will monitor compliance with this Article randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring). Section 6.500.5100 establishes City's right to conduct Inspections and investigations.

2. City may issue an official notification to notify regulated entities of its obligations under this Article.

3. For incidences of Prohibited Container Contaminants found in containers, City will issue a Notice of Violation to any generator found to have

Prohibited Container Contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants or within seven days after determining that a violation has occurred. If the City observes Prohibited Container Contaminants in a generator's containers on more than three consecutive occasion(s), the City may assess contamination processing fees or contamination penalties on the generator.

4. With the exception of violations of generator contamination of container contents addressed under Subsection D(3) above, City shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.

5. Absent compliance by the respondent within the deadline set forth in the Notice of Violation, City shall commence an action to impose penalties, via an administrative citation and fine, pursuant to Chapter 1.050 of the City's Municipal Code (Ordinance No. 2007-001), and as set forth in Subsection 11(J), Table 1, List of Violations, of this Article.

6. Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the City or, if no such address is available, to the owner at the address of the dwelling or Commercial property or

to the party responsible for paying for the collection services, depending upon available information.

E. Penalty Amounts for Types of Violations

The penalty levels are as follows:

1. For a first violation, the amount of the base penalty shall be \$75 per violation.
2. For a second violation, the amount of the base penalty shall be \$150 per violation.
3. For a third or subsequent violation, the amount of the base penalty shall be \$250 per violation.

F. Compliance Deadline Extension Considerations

The City may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 6.500.5110 of this Article if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

1. Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
2. Delays in obtaining discretionary permits or other government agency approvals; or

3. Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the City is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

#### G. Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with City's procedures in the City's codes for appeals of administrative citations. Evidence may be presented at the hearing. The City will appoint a hearing officer who shall conduct the hearing and issue a final written order.

#### H. Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2023, City will conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if City determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this Article and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative

civil penalties starting on January 1, 2024.

I. Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the City determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this Article, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Subsection 11, as needed.

J. Enforcement Table

**Table 1. List of Violations**

Requirement	Description of Violation
Commercial Business and Commercial Business Owner Responsibility Requirement, Section 6.500.540	Commercial Business fails to provide or arrange for Organic Waste collection services consistent with City requirements and as outlined in this Article, for employees, contractors, tenants, and customers, including supplying and allowing access to adequate numbers, size, and location of containers and sufficient signage and container color.
Organic Waste Generator Requirement, Sections 6.500.530 and 6.500.540	Organic Waste Generator fails to comply with requirements adopted pursuant to this Article for the collection and Recovery of Organic Waste.

Requirement	Description of Violation
Hauler Requirement, Section 6.500.580	A hauler providing residential, Commercial or industrial Organic Waste collection service fails to transport Organic Waste to a facility, operation, activity, or property that recovers Organic Waste, as prescribed by this Article.
Hauler Requirement, Section 6.500.580	A hauler providing residential, Commercial, or industrial Organic Waste collection service fails to obtain applicable approval issued by the City to haul Organic Waste as prescribed by this Article.
Hauler Requirement, Section 6.500.580	A hauler fails to keep a record of the applicable documentation of its approval by the City, as prescribed by this Article.
Self-Hauler Requirement, Section 6.500.590	A generator who is a Self-Hauler fails to comply with the requirements of 14 CCR Section 18988.3(b).
Commercial Edible Food Generator Requirement, Section 6.500.560	Tier One Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2022.



Requirement	Description of Violation
Commercial Edible Food Generator Requirement, Section 6.500.560	Tier Two Commercial Edible Food Generator fails to arrange to recover the maximum amount of its Edible Food that would otherwise be disposed by establishing a written agreement with a Food Recovery Organization or Food Recovery Service and comply with this Section commencing Jan. 1, 2024.
Commercial Edible Food Generator Requirement, Section 6.500.560	Tier One or Tier Two Commercial Edible Food Generator intentionally spoils Edible Food that is capable of being recovered by a Food Recovery Organization or Food Recovery Service.
Organic Waste Generator, Commercial Business Owner, Commercial Edible Food Generator, Food Recovery Organization or Food Recovery Service. Sections 6.500.540 and 6.500.560	Failure to provide or arrange for access to an entity's premises for any Inspection or investigation.
Recordkeeping Requirements for Commercial Edible Food Generator, Section 6.500.560	Tier One or Tier Two Commercial Edible Food Generator fails to keep records, as prescribed by Section 6.500.560.

Requirement	Description of Violation
Recordkeeping Requirements for Food Recovery Services and Food Recovery Organizations, Section 6.500.570	A Food Recovery Organization or Food Recovery Service that has established a written agreement to collect or receive Edible Food directly from a Commercial Edible Food Generator pursuant to 14 CCR Section 18991.3(b) fails to keep records, as prescribed by Section 6.500.570.

### **Sec. 6.500.5120. Construction and Demolition Debris.**

A. In accordance with City's requirements for Construction and Demolition debris, as set forth in Section Sec. 12.135.020 of City's Municipal Code (Ord. No. 2019-019), Persons applying for a permit from the City for new construction and building additions and alternations shall comply with the requirements of this section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if their project is covered by the scope of CALGreen or more stringent requirements of the City. If the requirements of CALGreen are more stringent then the requirements of this section, then the CALGreen requirements shall apply.

B. Project applicants shall refer to the City's building and/or planning code, and 24 CCR, Part 11 (California Green Building Standards) for complete CALGreen requirements.

C. For projects covered by CALGreen or more stringent requirements of

the City, the applicants must, as a condition of the City's permit approval, comply with the following:

1. Where five or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container, Green Container, Brown Container, and Black Container materials, consistent with the four-container collection program offered by the City, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11, as amended, provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020. All Solid Waste shall continue to be placed in the existing containers, as currently labeled and designated for collection, until such time as the existing containers are replaced with Green Containers, Brown Containers, Blue Containers, and Black Containers, in accordance with 14 CCR Section 18984.1 and this Article.

2. New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container and Green Container

materials, consistent with the four-container collection program offered by the City, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11, as amended, provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020. All Solid Waste shall continue to be placed in the existing containers, as currently labeled and designated for collection, until such time as the existing containers are replaced with Green Containers, Brown Containers, Blue Containers, and Black Containers, in accordance with 14 CCR Section 18984.1 and this Article.

3. Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of Organic Waste in C&D from disposal, and all written and published City, county, state, or federal policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

**Sec. 6.500.5130. Procurement Requirements Direct Service Providers and Vendors.**

A. Direct Service Providers of landscaping maintenance, renovation, and construction shall:

1. Use Compost and SB 1383 eligible mulch, as practicable, in accordance with 14 CCR Section 18993.1(f)(1) and (f)(4), produced from recovered Organic Waste, for all landscaping renovations, construction, or maintenance performed for the City, whenever available, and capable of meeting quality standards and criteria specified. SB 1383 eligible mulch used for land application shall comply with 14 CCR, Division 7, Chapter 12, Article 12 and must meet or exceed the physical contamination, maximum metal concentration and pathogen density standards specified in 14 CCR Section 17852(a)(24.5)(A)(1) through (3).

2. Keep and provide records of procurement of Recovered Organic Waste Products (either through purchase or acquisition) to City, upon completion of projects. Information to be provided shall include:

(a) General description of how and where the product was used and if applicable, applied;

(b) Source of product, including name, physical location, and contact information for each entity, operation, or facility from whom the Recovered Organic Waste Products were procured;

(c) Type of product;

(d) Quantity of each product; and

(e) Invoice or other record demonstrating purchase or procurement.

B. All vendors providing Paper Products and Printing and Writing Paper shall:

1. If fitness and quality are equal, provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber instead of non-recycled products whenever recycled Paper Products and Printing and Writing Paper are available at the same or lesser total cost than non-recycled items or at a total cost of no more than 5% of the total cost for non-recycled items.

2. Provide Paper Products and Printing and Writing Paper that meet Federal Trade Commission recyclability standard as defined in 16 Code of Federal Regulations (CFR) Section 260.12.

3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.

4. Certify, in writing, on invoices or receipts provided, that the Paper Products and Printing and Writing Paper offered or sold to the Jurisdiction is eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations (CFR) Section 260.12 (2013).

5. Provide records to the Jurisdiction's Recovered Organic Waste Product procurement recordkeeping Designee, in accordance with the Jurisdiction's Recycled-Content Paper procurement policy(ies) of all Paper Products and Printing and Writing Paper purchases within thirty days of the purchase (both recycled-content and non-recycled content, if any is purchased) made by any division or department or employee of the Jurisdiction. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in subsections B(3) and (B(4) above for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-recycled content Paper Products or Printing and Writing Papers are provided, include a description of why Recycled-Content Paper Products or Printing and Writing Papers were not provided."

**Section 5.** This Article shall be effective beginning on January 1, 2022.

**Section 6.** Severability.

If any section, subsection, sentence, clause, or phrase of this Article is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Article. The City Council declares that it would have passed this Article and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Article would be subsequently declared invalid or unconstitutional.

**Section 7.** CEQA Findings.

This Article is exempt from the California Environmental Quality Act (CEQA). The Article is exempt from CEQA under CEQA Guideline Section 15061 (b)(3), because the enhanced solid waste regulations, as provided for in the proposed ordinance, will not have a significant effect on the environment and the new requirements strengthen the City's handling of solid waste for the protection of the environment.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Sofia Rubalcava, Mayor

ATTEST:

\_\_\_\_\_  
ANTOINETTE M. MANN, MMC, CRM  
CITY CLERK



APPROVED AS TO FORM  
Gregory G. Diaz, City Attorney

By:  10/19/2021  
Andrew Heglund Date  
Senior Assistant City Attorney